

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6464 of 1985

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

BHARAT SHANTILAL DAFTARY

Versus

GUJ ELECTIRICITY BOARD

Appearance:

MR KM PATEL for Petitioner

MR MD PANDYA for Respondent No. 1

None present for Respondents No. 2, 3, 4

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 02/12/97

ORAL JUDGEMENT

1. The petitioner has made a grievance regarding his promotion and seniority.

2. The counsel for the petitioner made a statement before this Court that during the pendency of this special civil application on misconduct alleged against the petitioner, after holding an inquiry he has been

dismissed from the services of the Board. It has further been stated that the order of dismissal of the petitioner from services has been challenged by him by filing special civil application before this Court, which is pending. The learned counsel for the petitioner fairly submitted that so long as the order of dismissal of the petitioner from services stand, nothing survives in this special civil application but in case ultimately that order is set aside by this Court in the special civil application filed by the petitioner then his grievance for promotion and seniority may survive. The counsel for the petitioner prays that this petition may be dismissed but liberty may be granted to the petitioner for revival of the same in case ultimately he succeeds in his dismissal case.

3. The counsel for the respondent No.1 has no objection in case such a liberty is granted to the petitioner.

4. In the result, this special civil application is dismissed. Rule discharged. Interim relief, if any, granted by this Court stands vacated. However, liberty is granted to the petitioner for revival of this special civil application in case ultimately he succeeds in the case of his dismissal from services. No order as to costs.

zgs/-